

IN THE STATE COURT OF MUSCOGEE COUNTY, STATE OF GEORGIA

GEORGIA, MUSCOGEE COUNTY  
SUPERIOR / STATE COURT  
FILED IN OFFICE

YASCHIA A. WILLIAMS and MONTEZ T. YELDER,  
Plaintiffs,  
v.  
H&CS SERVICES, LLC D/B/A MID GEORGIA AMBULANCE and MICHAEL T. BURT,  
Defendants.

OCT 06 2017

DEPUTY CLERK  
ANN L. HARDMAN, CLERK

CIVIL ACTION FILE  
NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PERSONAL INJURY**

COME NOW, YASCHIA A. WILLIAMS and MONTEZ T. YELDER (hereinafter collectively referred to as "Plaintiffs"), and file this Complaint against Defendants H&CS SERVICES, LLC D/B/A MID GEORGIA AMBULANCE and MICHAEL T. BURT (hereinafter collectively referred to as "Defendants"), showing the Court and Jury as follows:

**PARTIES, JURISDICTION AND VENUE**

1.

Plaintiffs YASCHIA A. WILLIAMS (hereinafter "Ms. Williams") and MONTEZ T. YELDER (hereinafter "Mr. Yelder") are residents of the State of Alabama.

2.

Defendant H&CS SERVICES, LLC D/B/A MID GEORGIA AMBULANCE (hereinafter "H&CS") is a domestic limited liability company licensed to do business in the State of Georgia with its principal place of business at 1005 Boulder Drive, Gray, Georgia 31032.

3.

Defendant H&CS may be served through its registered agent, Tina Pruitt, at 1005 Boulder Drive, Gray, Jones County, Georgia 31032.

4.

Defendant H&CS is subject to the jurisdiction and venue of this Court

5.

Defendant MICHAEL T. BURT (hereinafter "Burt") resides at 833 Satellite Circle, Fortson, Muscogee County, Georgia 31808, where said defendant may be served with summons, process, complaint, and associated written discovery.

6.

Defendant Burt is subject to the jurisdiction and venue of this Court.

#### **FACTUAL ALLEGATIONS**

7.

On October 13, 2016 at approximately 9:48 p.m., Ms. Williams was driving a Chevrolet Malibu southbound on GA-400 SB in Fulton County, Georgia.

8.

At that time and place, Mr. Yelder was a passenger in the Chevrolet Malibu driven by Ms. Williams.

9.

At that time and place, Defendant Burt was operating a vehicle (hereinafter "subject Vehicle") southbound on GA-400 SB in Fulton County, Georgia.

10.

At that time and place, the subject Vehicle was owned by Defendant HC&S.

11.

At that time and place, Defendant Burt was an employee of Defendant HC&S.

12.

At that time and place, Defendant Burt was acting as an agent of Defendant HC&S.

13.

At that time and place, Defendant Burt was driving the subject Vehicle in the course and scope of his employment and/or agency with Defendant HC&S.

14.

At that time and place, Defendant Burt caused the subject Vehicle to strike the back of the Chevrolet Malibu occupied by Ms. Williams and Mr. Yelder.

15.

Defendant Burt's negligence included, but may not have been limited to, following too closely in violation of O.C.G.A. § 40-6-49 and operating a motor vehicle without keeping a proper lookout ahead for other vehicles.

16.

Defendant Burt caused the wreck involving Ms. Williams and Mr. Yelder.

17.

Plaintiffs could not avoid the wreck caused by Defendant Burt.

18.

Plaintiffs exercised ordinary care and diligence at all times herein, and under the circumstances then existing.

**COUNT I – NEGLIGENCE OF DEFENDANT MICHAEL T. BURT**

19.

Plaintiffs' allegations contained in Paragraphs 1-18 are hereby adopted and re-alleged as if fully set forth herein.

20.

While operating the subject Vehicle, Defendant Burt negligently or wantonly caused the wreck.

21.

As a direct and proximate result of the wreck, Plaintiffs sustained physical and emotional injuries.

22.

As a direct and proximate result of the wreck, Plaintiffs incurred and continue to incur significant medical expenses and pain and suffering.

23.

Defendant Burt owed Plaintiffs a legal duty to adhere to a reasonable standard of conduct in operating a motor vehicle on the roadways of the State of Georgia.

24.

Defendant Burt breached this standard of conduct by:

- (a) Failing to exercise ordinary care;
- (b) Operating a motor vehicle without keeping a proper lookout ahead for other vehicles;
- (c) Following too closely in violation of O.C.G.A. § 40-6-49;
- (d) Failing to maintain control of a motor vehicle; and
- (e) Causing the wreck that injured Plaintiffs.

25.

Defendant Burt, having been negligent as described above and said negligence having resulted in severe injury to Plaintiffs, Ms. Williams is entitled to recover of Defendant Burt and Defendant HC&S all damages allowed under Georgia law, including but not limited to, damages for pain and suffering, past and future lost wages, past and future medical expenses, emotional pain and suffering, and mental anguish.

26.

Defendant Burt, having been negligent as described above and said negligence having resulted in severe injury to Plaintiffs, Mr. Yelder is entitled to recover of Defendant Burt and Defendant HC&S all damages allowed under Georgia law, including but not limited to, damages for pain and suffering, past and future lost wages, past and future medical expenses, emotional pain and suffering, and mental anguish.

**COUNT II – LIABILITY OF DEFENDANT HC&S SERVICES, LLC D/B/A MID  
GEORGIA AMBULANCE – RESPONDEAT SUPERIOR**

27.

Plaintiffs' allegations contained in Paragraphs 1-26 are hereby adopted and re-alleged as if fully set forth herein.

28.

The negligence of Defendant Burt is imputed to Defendant HC&S.

**WHEREFORE**, Plaintiffs pray as follows:

- (a) That process issue and Defendants be served according to law;
- (b) That Plaintiffs have a trial by jury of their peers;
- (c) That Plaintiffs have a judgment against Defendants for all damages allowed under Georgia law and in an amount to be proven at the time of trial;
- (d) That the costs of the within action be cast upon the Defendants; and
- (e) Such other, further and different relief as this Court deems just and appropriate.

This 29<sup>th</sup> day of September, 2017.

**Alexander Shunnarah Gulf Coast, LLP d/b/a  
Alexander Shunnarah Georgia**

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